



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2018-006774F

June 15, 2018

Mr. Michael Lassiter
916 Oxford Circle
Papillion, NE 68046

SUBJECT: FREEDOM OF INFORMATION ACT CASES DON-NAVY 2018-006774

Dear Mr. Lassiter:

This is a final response to your October 29, 2017, Freedom of Information Act (FOIA) request, that was originally submitted to the Naval Criminal Investigative Service (NCIS). While personnel with that office were processing your request, they identified responsive documents that originated with the Naval Sea Systems Command and forwarded them to this office for processing and a direct response to you.

I considered your request under the FOIA 10 U.S.C. § 552, as amended, and Secretary of the Navy Instruction 5720.42F. After a careful review of those documents, it was determined that they contain information which is not releasable under exemption (b)(6) of the FOIA.

Exemption (b)(6) requires withholding of information in files where disclosure "would constitute a clearly unwarranted invasion of personal privacy." In applying Exemption (b)(6), a balancing test must be done, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information requested. The public interest in disclosure is one that will "shed light on an agency's performance of its statutory duties." Dep't of Justice v. Reporters Committee, 489 U.S. 749, 773 (1989). There is no public interest in the personal information redacted under (b)(6) in this request, and therefore the information is properly redacted.

Since the documents you have requested contain information that is prohibited from public disclosure for the reasons stated above, I am partially denying your FOIA request. The releasable portions of the requested documents are attached as an enclosure.

I am the official responsible for the decision regarding your request. You are advised of your right to appeal this decision. Should you decide to appeal this determination, you must do so in writing to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon, Room 4E365
Washington, DC 20350-1000

Your appeal must be postmarked within 90 calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and to ensure full consideration of your appeal, it should contain a brief statement of the reasons you believe this decision to be in error.

For this determination, you also have the right to seek dispute resolution services from either the Department of the Navy FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action taken by this office to process your request may be directed to the Navy FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Fees for processing your request have been waived in this instance. However, fees are assessed on a case-by-case basis and you may be charged for future requests.

If you have any questions concerning the foregoing, please contact Ms. Ginger Dolan, at 202-781-3359.

Sincerely,



JAVIER MARTINEZ
Initial Denial Authority

Enclosure
USS MIAMI Investigative Report (Pages 000132-000145)